

**IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE ORDER**

**IN THE MATTER OF:**

**Mark Yeggy & Randalyn Yeggy  
ID #65816  
Section 3  
Washington County, Iowa**

**ADMINISTRATIVE ORDER**

**NO. 2015-AFO-04**

**TO: Mark Yeggy & Randalyn Yeggy  
2545 160<sup>th</sup> Street  
Riverside, Iowa 52327**

**VIOLATION:** 567 Iowa Administrative Code (IAC) 65.16(3) "b" and "c" and 567 IAC 65.17(17) "h" (3). You failed to submit a complete Iowa Phosphorus Index manure management plan (MMP) to the Iowa Department of Natural Resources (Department), the board of supervisors of the county where the confinement feeding operation is located, and to the board of supervisors of each county where the manure is to be applied, by the May 1, 2013, deadline. You also failed to submit an updated MMP by the May 1, 2014, deadline. On May 14, 2013, you were sent a Notice of Violation (NOV) for failure to submit your complete MMP. On June 11, 2013, you were sent a notice that the matter was being referred to the Department's Legal Services Bureau for enforcement and on October 24, 2013 you were sent a proposed consent order for these violations. On May 15, 2014, you were sent a NOV for the 2014 violations and on June 11, 2014 you were sent a proposed consent order for the 2013 and 2014 violations. Moreover, on May 3, 2010, you entered into Administrative Consent Order 2010-AFO-22 for similar violations.


**ORDER:** Submit a complete MMP, pay the annual fees and in the future timely submit all MMP updates. In addition, a penalty of \$5,000.00 shall be paid 30 days after the date the Director signs this Order unless you appeal as provided below. This penalty shall be paid to the Department, at the address listed below. \$100.00 of this amount is assessed for economic benefit from delayed preparation costs. \$2,400.00 of this amount is based on the gravity of the violation, considering the size of this facility, agency costs in addressing this violation, the importance of the animal feeding operation program, and the threat to the integrity of the animal feeding operation program. \$2,500.00 of this amount is for culpability; the MMP requirements have been widely publicized in the industry, ample time for compliance was allowed and you were sent NOVs, a notice of referral by the Department and you have a prior consent order for similar violations.

**AUTHORITY:** Iowa Code §455B.109; §459.601; §459.603; 567 IAC 10.3, 65.16(3) "b" and "c", 567 IAC 65.17.

**APPEAL:** Iowa Code §455B.109; 561 IAC 7.4(1) A written Notice of Appeal may be filed with the Director, at the address provided below, within 30 days of receipt of this Order. A contested case hearing will then be commenced pursuant to Iowa Code chapter 17A and 561 IAC 7. Mark and/or Randalyn Yeggy may contact Carrie Schoenebaum, attorney for the Department, at (515) 725-8244 for more information regarding appeal procedures and resolution of this Order.

**ADMINISTRATIVE ORDER**  
**ISSUED TO:**  
**Mark Yeggy and Randalyn Yeggy**

**NONCOMPLIANCE:** If Mark Yeggy and Randalyn Yeggy fail to comply with this Order they may be subject to further penalties pursuant to Iowa Code §455B.109 or penalties and injunction pursuant to Iowa Code §455B.191 and §459.603. Compliance with the terms of this Order constitutes full satisfaction of all requirements pertaining to the violations described in this Order.

  
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Chuck Gipp, DIRECTOR  
IOWA DEPARTMENT OF NATURAL RESOURCES  
502 East Ninth Street; Wallace State Office Building; Des Moines, Iowa 50319  
VIII. C.1; EPA, Carrie Schoenebaum, Ken Hessenius, Field Office 6

Dated this 23<sup>rd</sup> day of February, 2015